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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

UTL 00013

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Application Number

09/849,715

Filed

May 4, 2001

First Named Inventor

KIRBAS

Art Unit

2617

Examiner

DANIEL Jr., Willie J.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/George W. Luckhardt/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Signature

George W. Luckhardt

Typed or printed name

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January 20, 2010

Registration number if acting under 37 CFR 1.34 _____

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): KIRBAS, et al.	Group Art Unit: 2617
App. No.: 09/849,715	Examiner: DANIEL Jr., Willie J.
Filed: May 4, 2001	Conf. No.: 9648
Title: SYSTEM AND METHOD FOR RESTRICTING WIRELESS COMMUNICATION	

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Commissioner:

In response to the final Office Action dated October 20, 2009, Applicants submit the following Pre-Appeal Brief Request for Review. Claims 46, 48, and 63-67 stand rejected under Section 103(a) as allegedly being unpatentable over U.S. Patent 6,208,872 ("Schmidt"); in view of U.S. Patent 7,212,802 ("Rodriguez") and in further view of U.S. Patent 7,212,802 ("Irvine"). Claims 59-62 are withdrawn. Applicants submit this Pre-Appeal Brief Request for Review as the Applicants believe that the Examiner has committed a clear error in finding the claimed limitations are disclosed by Schmidt, Rodriguez, and Irvin.

REMARKS**A. Claim Rejections under 35 U.S.C. 103(a)**

Independent claim 46 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 6,208,872 ("Schmidt"), U.S. Patent No. 7,212,802 ("Rodriguez"), and U.S. Patent No. 6,556,819 ("Irvin"). Claim 46 is also rejected under section 103 as being unpatentable over Schmidt, Rodriguez, and U.S. Patent No. 6,799,052 ("Agness").

Claim 46 recites a "read only memory also for storing one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position information." The Examiner relies on Schmidt in both of the 103 rejections for support that this limitation is disclosed in the references. Applicants respectfully submit that the cited portions of Schmidt do not teach or suggest this feature. Schmidt states:

"The memory 58 is a 30 storage area utilized as a phone book where users may program both phone numbers and alphanumeric tags (alpha tags) (e.g., names) associated with these numbers." (Column 6, Lines 29-32).

Accordingly, Schmidt teaches a memory that can be modified by the user and, therefore, is not a read only memory. The distinction between the claimed read only memory and the writable memory of Schmidt is significant to prevent a user from being able to modify the call restriction information.

Further, Applicants respectfully submit that Schmidt does not teach or suggest that the read only memory stores one or more authorized geographic areas, where each authorized geographic area comprises absolute or relative position information. Schmidt discloses storing a home system ID number that does not comprise any absolute or relative position information. In contrast to claim 46, Schmidt calculates, in real time, whether the current wireless communication system ID number matches the home wireless communication system ID number. Schmidt requires that the system ID number is received by the mobile station over the air via the control channel of the wireless communication system. Thus, Schmidt discloses a numerical matching calculation and does not disclose storing one or more authorized geographic areas in read only memory where each authorized geographic area comprises absolute or relative position information.

Furthermore, independent claim 46 requires two determining factors to be present in order to permit a call to the inputted number: (1) that the area code of the inputted number is an authorized area code; and (2) that the current location of the wireless communication device is within an authorized geographic area. Schmidt does not disclose the required combination of an authorized area code and the wireless communication device being located in an authorized geographic area to permit a call to an inputted number. Instead Schmidt only discloses one determining factor to be present, which is an authorized system ID number. Specifically, under Schmidt, the home system ID number is always authorized (See, Schmidt at Column 7, Lines 58-63). If the current system ID number is not the home system ID number then the current system ID number is authorized if the Roam Origination Enable Flag is turned on (See, Schmidt at Column 7, Line 64-Column 8, Line 10).

In addition Applicants respectfully submit that the system ID number of Schmidt is not an area code. A single system ID number may correspond to multiple area codes or to only a single area code. Conversely a single area code may correspond to one or multiple system ID numbers. Thus, there is no correlation between area codes and system ID numbers, for example, when a new area code is created (e.g., by splitting a current area code into two area codes) there is no corresponding change in system ID numbers.

Rodriguez, Irvin, and Agness fail to cure the deficiencies of Schmidt. Accordingly, Applicants respectfully submit that independent claim 46 is allowable. Claim 48 depends from claim 46 and is, therefore, at least allowable for the reason that it depends from an allowable base claim.

B. New Claims 63-67

New independent method claim 63 includes similar limitations as claim 46. Specifically, claim 63 requires storing in a read only memory one or more authorized geographic areas, wherein each authorized geographic area comprises absolute or relative position information. Claim 63 also requires storing in read only memory one or more authorized telephone number area codes. Schmidt does not disclose this.

Claim 63 also requires (1) that the area code of the inputted number is an authorized area code; and (2) that the current location of the wireless communication device is within an authorized geographic area before initiating a call to the telephone number in the requested communication. As explained above, Schmidt does not teach

or suggest these features. Accordingly, Applicants respectfully submit that claim 63 is allowable. Claims 64-67 depend from claim 63. Applicants submit that these claims are allowable at least for the reason that they depend from an allowable base claim.

Conclusion

For the foregoing reasons, allowance of claims 46, 48, and 63-67 pending in the present application is respectfully requested. If necessary, Applicants request, under the provisions of 37 CFR 1.136(a), to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Commissioner is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully submitted,

Dated: January 14, 2010

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